

**MINUTES OF THE
CITY OF SANTA FE
PUBLIC WORKS/CIP & LAND USE COMMITTEE
Monday, April 28, 2003**

1. CALL TO ORDER

A meeting of the Public Works/CIP & Land Use Committee was called to order by Chair Karen Heldmeyer at 5:15 p.m., on April 28, 2003, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

1. ROLL CALL

MEMBERS PRESENT:

Councilor Karen Heldmeyer, Chair
Councilor Patti J. Bushee (left early)
Councilor Miguel M. Chavez
Councilor David Coss
Councilor David Pfeffer (left early)

OTHERS ATTENDING:

Mike Lujan, Director of Public Works
Therese Prada, Public Works Department
Robert Romero, City Engineer
Joseph Abeyta, Project Manager, Water Budget Office
Darlene Griego, Director, Convention & Visitors Bureau
James Hewat, Supervising Historic Preservation Planner
Alexandra Ladd, FHIP/HOME Planner
Vincent Lopez, Director, Transportation Operations Division
John Nitzel, Traffic Engineer
Jeannie Price, Senior Planner
Frank Romero, Community Service
Cyrus Samii, Special Projects Administrator
Sevastian Gurule, City of Santa Fe
Melessia Helberg, Stenographer

1. APPROVAL OF AGENDA

Councilor Bushee asked that Items #19 and #22 be moved to the first items to be heard under the Discussion Agenda.

Mr. Lujan noted that Ms. Laurie Moye will be giving the presentation on behalf of PNM

instead of Ms. Rhonda Mitchell.

MOTION: It was moved by Councilor Bushee, seconded by Councilor Coss, that the Agenda, as amended, be approved.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

1. APPROVAL OF MINUTES, APRIL 14, 2003, PUBLIC WORKS COMMITTEE MEETING

MOTION: It was moved by Councilor Bushee, seconded by Councilor Pfeffer, that the minutes of the April 14, 2003, Public Works Committee Meeting be approved as submitted.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

1. APPROVAL OF CONSENT AGENDA

The Consent Agenda was approved as follows:

CONSENT AGENDA

1. REQUEST APPROVAL OF FEDERAL AVIATION ADMINISTRATION (FAA) LEASE FOR VASI AND REIL SITES AT THE SANTA FE MUNICIPAL AIRPORT. (JIM MONTMAN)

1. REQUEST APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND AKAL SECURITY, INC., EXTENDING THE TERM OF THE AGREEMENT TO DECEMBER 16, 2004. (JIM MONTMAN)

1. CIP #488 BROTHERS BRIDGE - REPLACEMENT

a. REQUEST APPROVAL OF BID #03/48/B

b. REQUEST APPROVAL OF CONTRACT WITH EKER BROTHER'S INC., IN THE AMOUNT OF \$31,579.50, INCLUSIVE OF GROSS RECEIPTS TAX. (ROBERT ROMERO)

1. CIP – #495 – LA CIENEGUITA PARK – PLAY EQUIPMENT

a. REQUEST APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT #30-000-00-00036, LANDSCAPE STRUCTURE, INC., \$31,419.00. (ROBERT ROMERO)

1. CIP – #832A – BOTULPH ROAD IMPROVEMENT PROJECT

**REQUEST APPROVAL OF PROFESSIONAL SERVICES AGREEMENT
FOR CONSTRUCTION ENGINEERING AND CONSTRUCTION
MANAGEMENT SERVICES WITH SMITH ENGINEERING COMPANY
IN THE AMOUNT OF \$50,552.00 PLUS NMGR. FUNDS ARE
AVAILABLE IN BUSINESS UNIT AND LINE ITEM 32355.572970.
(ROBERT ROMERO)**

1. **REQUEST APPROVAL OF LEASE AGREEMENT BETWEEN THE CITY
OF SANTA FE AND ST. FRANCIS CATHEDRAL PARISH/ARCHDIOCESE OF
SANTA FE FOR USE OF THE ST. FRANCIS SCHOOL PARKING LOT FOR
PUBLIC PARKING. (VINCE LOPEZ)**

1. **REQUEST APPROVAL OF A PROFESSIONAL SERVICES
AGREEMENT BETWEEN THE CITY OF SANTA FE AND CHAVEZ
SECURITY, INC., FOR UNIFORMED SECURITY GUARD SERVICE. (VINCE
LOPEZ)**

All packet material for items on the Consent Agenda, are incorporated herewith to these minutes as Exhibit "1."

MOTION: It was moved by Councilor Bushee, seconded by Councilor Coss, that the Consent Agenda be approved as published.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

INFORMATIONAL AGENDA

1. **CERRILLOS ROAD BARE MAIN REPLACEMENT – PNM PRESENTATION.
(RHONDA MITCHELL)**

"Project Details" for the Cerrillos Road Bare Main Pipe Replacement Project, is incorporated herewith to these minutes as Exhibit "2."

"Proposed Gas Line Replacement" is incorporated into these minutes as Exhibit "2(A)."

Ms. Moya said this project is to replace the existing pipe in Cerrillos Road with new pipe. The project will run 12,000 feet from Cordova Road to Siler. The project will take 12 weeks to complete, and will begin June 1, 2003. Work will be done 10 hours per day, 6 days per week, and if that schedule can be maintained throughout the project it is anticipated that the work will be finished by the end of August. Crews will not work on holidays, including July 4th, or during Indian Market, Spanish Market, or Fiestas.

Councilor Coss asked if this work will conflict with the Cerrillos Road project, and said he would not like to see both ends of the road blocked at the same time. Mr. Romero said the Cerrillos Road project should be complete by May 30th, so there should be no conflict and remarked that PNM will be coordinating with the City in this regard.

Ms. Moyer said PNM is drafting a public outreach plan, and there will be a telephone number for citizen calls. Chair Heldmeyer asked that this number be made available to her and the other members of the Committee so the public can be referred directly to PNM when there are complaints.

Councilor Coss asked about the trenching which will be done. Ms. Moyer said this will be a deep trench well below the Cerrillos Road project so there will be no conflict.

Responding to Councilor Bushee, Ms. Moyer said only one lane will be impeded during construction. Councilor Bushee asked if there are other roads on which work will be done. Ms. Debbie O'Callahan said Cordova Road is part of the project, but there are no such projects planned in the next two years.

Chair Heldmeyer said during a previous project, there was criticism about the length of street which was blocked off which was thought to be excessive. Ms. Moyer said every effort will be made to accommodate the driving public. She said the construction will be done in 2,000 ft. stretches, and each 2,000 ft. stretch will be completed, including paving, before moving on to the next stretch of road.

Chair Heldmeyer wants to ensure that there is ongoing access to businesses during the construction. She suggested PNM might want to install signs indicating the businesses along the construction route which has been most effective during the Cerrillos Road project.

Councilor Coss asked Mr. Lujan and Mr. Romero to work closely with PNM during the project.

DISCUSSION AGENDA

19. **REQUEST APPROVAL OF AN ORDINANCE AMENDING SECTION 14-8.6-B(9)(b) RELATING TO OFF STREET PARKING STANDARDS IN THE BUSINESS-CAPITOL DISTRICT, AND ESTABLISHING A FEE IN LIEU OF PARKING PROGRAM TO BE DEVOTED TO PARKING STRUCTURES AND MULTI-MODAL IMPROVEMENTS. (COUNCILOR BUSHEE) (CYRUS SMITH)**

Memorandum dated April 22, 2003 for April 28, 2003 meeting, with attachments, from Cyrus Samii, Special Projects Administrator, to the Public Works Committee, is incorporated herewith to these minutes as Exhibit "3"

Mr. Samii said the Planning Commission approved an ordinance amending the Land Use Code as it relates to the off-street parking standards in the Business Capital District, which was designed to allow for payment of fees in lieu which would be devoted to the construction of parking structures in the downtown, as well as for multi-modal improvements.

Mr. Samii said subsequently, Councilor Bushee introduced a bill to amend the Land Use Code as it relates to off-street parking standards, which makes changes to the bill approved by the Planning Commission, as follows:

- ⌘ The bill requires a positive finding of the governing body that a parking structure is to be built within a definable schedule in order for the fee-in-lieu option to be exercised.
- ⌘ The bill allows the fee in lieu option to be exercised for all properties within the BCD.
- ⌘ The bill establishes the fee in lieu at \$12,000 per space, based on current studies for the cost of developing parking structures in the downtown.
- ⌘ The bill requires that funds be returned within 10 years if the parking structure is not built.
- ⌘ The bill removes the requirement that no parking studies be funded until a structure is built.
- ⌘ The bill removes the provision allowing for leased parking. In the bill, leased parking is not a permissible means for fulfilling parking requirements, and no new leased parking is to be accepted by the City. Those properties that currently fulfill their parking requirements through leased parking may continue to do so, or may contribute to the fee in lieu of parking instead.
- ⌘ The bill removes the reduction in per space fee as a percentage of residential space provided.

Councilor Bushee said the proposed bill is moving in the direction of no leasing which is also the direction being taken by the Parking Division. The City needs some way to address the parking need in this very crowded area, pointing out that parking is difficult during business hours downtown.

Mr. Lujan said this proposal adds another option to address the need for off street parking in the area.

Councilor Chavez asked why assessment districts don't work. Mr. Lujan said they can work, but it is necessary to have a buy-in by property owners. It is not a popular option, but the City does have the ability to impose an assessment district. Responding to Councilor Chavez, Mr. Samii said the last assessment district was on Gonzales Road, but that one was not collected. He commented that he doesn't know why it was not collected.

Councilor Bushee said language on page 3 of the ordinance, lines 5 through 8, requires

that the parking requirements shall be met at the time of application for a building permit or certificate of occupancy. Mr. Samii said this is an “either/or” provision. Councilor Bushee wants to find ways to apply the ordinance provision to existing projects which have not been completed, and asked that a legal opinion in this regard be requested from the City Attorney’s office.

Councilor Pfeffer asked about the lease option. Mr. Lujan said there are leases in existence, noting that Planning and Land use had some issues.

Mr. Greg Smith said some of the issues staff has identified is that the 600 ft. radius established to provide off-site parking is excessive, as well as and poor enforcement. He believes better enforcement is needed.

Councilor Pfeffer said removing the lease option might aggravate the situation. He believes this is a very expensive proposition and a very big “hit” for the downtown.

Councilor Coss asked what kind of enforcement effort/audit effort we would need to see if the leases are still in effect, the number of leased spaces, and if those spaces are being used as intended. He said the task seems so much larger than the staff ability. Mr. Samii said staff would need to research buildings in the BCD, the conditions attached to those, and whether a lease provision was provided in the parking requirements – go through the archives for every property in the BCD. Councilor Coss asked if this could be done on a random sample basis, and what would be the repercussion if there was no compliance. Mr. Samii said it is an honor system at this point. There has been no tracking of the parking lots to see how many spaces are available, and what kinds of spaces, and how many times those have been leased. This wouldn’t be an easy process to establish this with certainty. He said we could get a good notion of what’s going on through a cursory examination.

Councilor Coss reiterated that there is an issue of what can be enforced, and what is working and not working.

Councilor Coss asked about “positive finding” and “definable schedule” in the ordinance. Does this mean “out to bid,” or there is a qualified bidder. He said the status of the Railyard and Sweeney structures don’t seem to be close to a definable schedule. Mr. Samii said this means the project is included in CIP or there is a budget is associated with the project. What is needed is “advance warning” so fees could be collected in the interim for a project which is coming on line.

Mr. Lujan said Ms. Lovely brought up the same issue. The big issue is if there is no development of a centralized parking facility you are paying back what was collected, with interest. We need to define a “definable schedule.” He believes that this means that the project has gone out to bid and has been approved by the Council.

Councilor Coss asked, if leasing doesn't work, and 600 ft. is too far away, and we permit these things to continue, and create a deficit, then how will a parking structure work because it likely will be more than 600 ft. away.

Councilor Bushee said the Parking Division has been headed toward leasing, administratively, remarking that is what Mr. Lujan would prefer. She is open to a separate discussion on leasing. She said in this case it is to encourage people to participate in the fee-in-lieu. There is a deficit and the idea is that a facility at Sweeney will begin to address a portion of the deficit. The problem with leasing at the Water Street lot is that, "you can't get in there during the day. It is always full because there are so many leased spaces." She said for so long the City has not enforced a lot of the lease provisions and we add to the deficit continually. This approach attempts to build resources to target the needed, agreed-on structures and get those built in the time frame. This won't eliminate the deficit. The bill also provides for other things than parking structures with regard to the fee. We might look at a shuttle which is an unfinished thought. We can use the fees for lots of other things. There are obvious problems and lack of resources to address those problems.

Mr. Lujan said central parking in various locations throughout the BCD would help to reduce the parking deficit. He said there are two different kinds of leases. One has to do with satisfying parking under the code. There are also monthly parking permits which aren't really leases. There is an overwhelming demand for the public spaces which do exist. The Parking Division has been asked the question over the years as to whether or not a developer could lease parking in the municipal facilities to satisfy code. The answer has always been no, because there is an overwhelming demand for a limited supply of public parking. He said up to half the parking spaces available for public parking are properties leased by the City from other entities and are not City-owned. If this program does happen, the issue is how to meet the real demand which will occur.

Councilor Bushee said there are a few living spaces in the BCD using City parking lots through leases to provide for their tenants. Mr. Lujan said this was discussed by the Parking Advisory Committee, and the question is how to deal with residential development in the BCD and how to access parking for those developments. In the past, the Parking Division hasn't distinguished between residential/commercial/institutional. However, the Parking Advisory Committee endorsed a policy which would exempt residential development in the BCD from the waiting list to be able to access monthly parking. Councilor Bushee said there were some old exceptions which permitted this.

Councilor Pfeffer is concerned about the City's ability to deliver a parking structure, as opposed to the ability to find the funds to build a structure. The Railyard parking structure is required, contractually between the City and the Railyard Corporation, to be built by July 2004. Chair Heldmeyer said this is true, with provisions for what happens if the City doesn't build the structure. In that event, the City then pays a fair percentage of the Railyard's payment on its bonds. Councilor Chavez said this is the "kill clause."

Councilor Pfeffer said the City has not allocated funds in the next budget to build the Railyard parking structure. Chair Heldmeyer said that would be funded in the CIP budget.

Mr. Lujan said there is a “kill clause” in the Railyard Management Agreement. Recent discussions with the Railyard Corporation centered around the fact that the City’s ability to move forward on that project is contingent on the Corporation’s ability to move forward with certain requirements, such as the spine infrastructure and deciding on a potential developer for the site above the parking facility. A Parking Revenue Bond is being explored which will be brought before the Council soon. The rate increase proposal will be heard on Thursday afternoon and that factors into how to move forward with developing the Railyard site.

Councilor Pfeffer said then funds may appear in this year’s budget through a revenue bond. Mr. Lujan said this is correct, and staff’s task is to report to the Governing Body on the costs and recommended funding source. If endorsed, the project will move forward to design and then construction.

Councilor Pfeffer asked if the \$12,000 per parking space fee-in-lieu reserves a space in a parking structure. Mr. Lujan said it does not. The idea is that the development paying that fee can use their space, for example for a higher revenue producing space on their property. It would make more public space available that could be utilized, subject to user fees which could be either monthly parking or daily use fees. The \$12,000 per space is considered to be direct construction cost – above grade construction excluding the cost of the land.

Councilor Pfeffer is disturbed with the remark made that there are other things we can use these fees for. He understands that in an assessment district that there is no such flexibility and the fees are specific to what we are assessing for, and asked if the City has the freedom to build bike trails and bike parking structures someplace and not actually spend those funds on automobile parking. Mr. Lujan said the current ordinance provides that a minimum of 75% must go toward parking, 25% could go toward other multi-modal uses.

Mr. Lujan said he wants to make it clear to the Committee that this may not necessarily be a viable funding source for development, and it is all contingent on what happens in development in the downtown area. This approach provides some options in keeping with the general concept of infill as well as centralized parking.

Councilor Pfeffer likes the leasing option because it makes efficient use of existing spaces. If the lease option is removed, it seems we would be going in an expensive and a wasteful direction.

Councilor Coss can support the ordinance, saying he prefers an assessment district combined with a revenue bond to pay for some of these things.

Councilor Bushee isn't opposed to an assessment district in addition to a fee-in-lieu. She doesn't understand why it isn't in the best interest of most of the BCD businesses. She doesn't support "jacking-up" the parking meter fees at the rates proposed in the budget. She would like to see a combination of creative financing mechanisms. She believes high parking meter fees will discourage local people from going to the downtown businesses.

MOTION: It was moved by Councilor Bushee, seconded by Councilor Chavez, that the request be approved.

DISCUSSION: Councilor Bushee would like to have a calculation of the size of the parking structures at Sweeney and the Railyard and what would be the deficit if those are built.

CLARIFICATION: Chair Heldmeyer asked Councilor Bushee if she would like this ordinance to go straight to the Council. Councilor Bushee said she would like it to go to the Council. Mr. Lujan said staff will provide the needed information. However, he asked if this should also move forward to the Finance Committee prior to going to the Council. Councilor Bushee said it should first go to Finance.

DISCUSSION: Councilor Chavez said this is a step in the right direction, although Mr. Samii has pointed out the difficulties in obtaining information on the leases and in providing enforcement. He asked staff to research the concept of assessment districts and develop an ordinance around that, and bring it back to the next Committee meeting. Mr. Lujan will provide this information, although he believes the City has in place the mechanism for establishing an assessment district.

Chair Heldmeyer doesn't believe this ordinance is ready to go. There are many questions. She said the BCD and the downtown are not synonymous, although being treated under this ordinance as if they are. This means there is a real probability of much higher density, without parking, in the fringe areas of the BCD. There are unanswered questions about parking garages even if we raise the fees. Even with raised parking fees there would be enough money for only one parking structure either in the Railyard or Sweeney. She doesn't believe the downtown merchants will consider the Railyard as viable parking, unless there is a shuttle system or something similar. The downtown parking won't help the people in the fringe areas of BCD because of the distance. The land use side is that if you don't have to provide parking, and you can just pay money, that is probably what you are going to do. She believes improved computer software and new computers are needed for proper enforcement.

Chair Heldmeyer said there are two enforcement issues. One is if the leases are still in effect. The other, which she sees in the fringe areas of the BCD, is that the land is leased for parking but not being used. So people are still looking to get as close to their destination as possible, including employees. She noted a high proportion of residential in the BCD fringe areas. She believes there are some good ideas in the proposed ordinance, but she doesn't believe it is ready to go.

VOTE: Those voting aye: Councilor Bushee
Councilor Chavez
Councilor Coss

Those voting nay: Councilor Pfeffer

The motion was passed by a majority of all those voting in the affirmative.

22. REQUEST CONSIDERATION OF A TIME EXTENSION OF A TEMPORARY LICENSE AGREEMENT WITH THE CITY OF SANTA FE FOR THE ACADEMY FOR TECHNOLOGY AND THE CLASSICS CHARTER SCHOOL.

Mr. Lester Veeson, Principal at the Academy, said the Council approved temporarily placing the school last year at the overflow parking lot at Chavez Community Center. On September 9, 2002, the school was opened and there was a very successful school year. It was hoped to be moving from this site to the primary site by this time. The negotiations failed for the primary site at the last minute. He said since that time an individual has offered to donate property for the school. They are researching access to that property, and the impact of water and other utilities. Two other sites are also under consideration.

Mr. Veeson said, financially, the academy is unable to sustain another temporary site move, noting that a very large financial investment was made last year to move to the current site. He is in attendance to request an extension to the temporary license agreement to stay at the current site. The school needs stability. He said the school has great neighbors and believes the school is a great neighbor. The students have been able to use the Chavez Center facilities which rival those in colleges and universities around the country – swimming, ice skating, net games, weight lifting and other activities.

Mr. Veeson said Mr. Neal was unable to be in attendance this evening because of another commitment.

Mr. Veeson said the environmental class students have promised to spend time in the arroyo and associated area doing some cleanup.

Ms. Reyes Aragon said there would be no problem in amending the license agreement and said staff supports the request.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Coss, that the request be approved.

DISCUSSION: Councilor Chavez said he hopes when the school does move to its permanent site that it continues to use the Chavez Center.

Councilor Coss asked if the District 4 Councilors have been consulted about the extension of the temporary license agreement. Chair Heldmeyer said this request is being brought forward by Mayor Delgado. Chair Heldmeyer suggested that Mr. Veeson contact the District 4 Councilors prior to going before the City Council prior to the meeting on Wednesday.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

14. TRANSPORTATION IMPACT STUDY REQUIREMENTS AND PROCEDURES.

b. REQUEST APPROVAL OF ORDINANCE, RESOLUTION AND PROCEDURES. (JOHN NITZEL)

Memorandum dated April 8, 2003, with attachments, to the Public Works Committee, from John Nitzel, Director, Transportation Engineering Division, is incorporated herewith to these minutes as Exhibit "4."

Mr. Nitzel said historically there have been no written administrative procedures, or anything in the Code about these issues. This particular bill, resolution and administrative procedures amend Chapter 14 and 22 to put these things in place and provides a more fair and open situation, and provides something in writing for people proposing developments and for the citizens of the community.

Mr. Nitzel thanked Robert Siqueiros, Jeanne Price and Anne Lovely for their assistance in developing these documents.

Mr. Nitzel said currently staff negotiates each traffic study with each developer. This will provide something in writing. He said 60-80 of these are done by staff each year.

Mr. Nitzel said the proposed documents tie things together with City plans, City Code and functional maps related to street classifications, as well as financial responsibility and procedures.

Mr. Nitzel reviewed some of the major changes. He said there will be travel demand management strategies which incorporate site design features which promote walking, bicycling, transit, preferential parking, car pooling and such to reduce trips to the site and to enhance or use other modes of transportation.

Mr. Nitzel said there is reference to the General Plan in the procedures. He said much of this involves significant detail regarding traffic analysis techniques, procedures and measures which should be used by the developer and/or the consultant in preparing their studies. Basically, it follows national standards and internalizes those already required. A safety requirement has been added for a site to look at the accident history.

Mr. Nitzel said currently the permit fees at \$15 per driveway permit produces about \$3,000 annually. It is anticipated that the added revenue will be \$45,000 to \$50,000 annually which is detailed in the FIR in the packet.

Councilor Coss said page 3, line 13, of the draft provides, "The developer shall be financially responsible for the amount of transportation infrastructure roughly proportional to the development's contribution to total transportation impacts in the area." He asked if we are sure we want this in the ordinance. He said many times traffic calming or signalization isn't needed until a development is done, and then the developer pays only for the added traffic from their particular project. Chair Heldmeyer said Ms. Lovely is working on this.

Mr. Nitzel said staff is in the process of proposing modifications to the Impact Fee Ordinance. Councilor Coss asked how this ties into the Impact Fee Ordinance. Mr. Nitzel said staff is working to tie these issues into that ordinance. Councilor Coss wants to see how this is tied together and wants appropriate language with regard to the proportional share. Chair Heldmeyer said "proportional" is the problem, and believes work needs to be done on the language.

Councilor Coss asked for examples, regarding language on page 3, line 22, Subsection (4), so he can be clear on "...construction of, contributions to or dedications of on-site or off-site facilities.....credited against the impact fees..." Mr. Nitzel said this is consistent with City Code. If a developer builds above and beyond that necessary to mitigate the improvement, the developer can apply for a credit to the impact fees. Mr. Nitzel said an example was the extra work done by a bank recently which made sense to do. The bank paid its impact fees and applied for a credit to the impact fees.

Councilor Coss asked if what was done by the bank helped traffic flow on Cerrillos and the community, or just helped the bank. Mr. Devine said one of the things done which helped the community and the traffic on Cerrillos, above and beyond, was installing a deceleration lane and a left-turn lane. The bank also did work widening Osage which was above and beyond what was required.

Councilor Coss asked, with regard to language on page 31, Exhibit B, if the City is going to start charging \$100 for a curb cut. Mr. Nitzel said this is the cost for a driveway access point. He said the staff time to do an average permit was tracked and it costs about \$100 in such cases. Councilor Coss believes it is a pretty big "jump" from \$15 to \$100. He knows staff needs to review these for safety, but he believes this is a big "jump."

Councilor Pfeffer said on page 2 of the Ordinance there is an item which appears not to relate to curb cuts or transportation studies, which is the deletion of Planning Commission authority to review appeals of the Water Budget Administrative Committee.

Ms. Price said she is trying to clean-up language left over from last Fall. When the water budget was adopted, there was a section providing that the Planning Commission was the appeals body, but which was not included in the ordinance which was introduced. This seems to be erroneous information and she is cleaning-up that language.

Councilor Pfeffer asked if the current ordinance contains this language. Ms. Price said it does. Councilor Pfeffer suggested that this proposed deletion be removed, and that the proposed deletion be brought back as an amendment to the Water Budget Ordinance when it is amended. Councilor Pfeffer said then this was inserted erroneously into the ordinance initially. Ms. Price said last Fall the City designated the Planning Commission as the review body for appeals to the water budget under its powers and duties. Chair Heldmeyer said this was done because the Council thought it *might* use the Commission. Ms. Price said this was in Water Budget #1 proposed by Councilor Bushee and was never stricken when the Water Budget Ordinance was adopted. Ms. Price said this proposal went “by the wayside” in the Ordinance, and she was trying to clean-up this language.

Ms. Price said she will leave the language in the ordinance, pointing out that it has no meaning now.

MOTION: It was moved by Councilor Bushee, seconded by Councilor Chavez, that the request be approved with the proviso that staff will work with Councilors to change the language with regard to the proportionality of fees.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

15. PLAZA TASK FORCE -- RECOMMENDATIONS – REQUEST FOR APPROVAL (JOHN NITZEL)

Memorandum dated April 22, 2003, with attachments, to the Public Works Committee, from John Nitzel, Director, Transportation Engineering Division, is incorporated herewith to these minutes as Exhibit “5.”

Chair Heldmeyer said although not advertised as a public hearing, she will permit individuals from the audience to speak on the issue following Mr. Nitzel’s presentation.

Mr. Nitzel said these recommendations approved by the Task Force have been presented to the Historic Committee, the Public Safety Committee, and 6 public hearings have been held. The Task Force recommendations are contained in Drawings 1 through 3 which are included in the Committee packet.

Mr. Nitzel made an overhead presentation. Please see the drawings in Exhibit “5” for the specifics of that presentation.

Mr. Nitzel said some individuals wanted the Plaza to remain open entirely, others felt it should be closed as it is now. There was quite a bit of input from the public. The consensus was that Palace Avenue should be closed, as a part of the Task Force recommendation, from Lincoln Avenue east on the north side of the Plaza to Old Santa Fe Trail, with limited turns and one-way traffic. Mr. Nitzel said quite a few stop signs have been, and are, being added on the Plaza.

Mr. Nitzel said staff is requesting approval by this Committee and the City Council, that the Plaza Task Force recommendations be approved as submitted. If approved, the recommendations will be implemented operationally next Monday.

Mr. Nitzel said there are conceptual traffic calming improvements which are not part of next week's plan. One, because there is no funding, and two, a detailed design process needs to be done to look at those in depth. He said there were mixed emotions from the Committees hearing these recommendations with regard to the proposed traffic calming. There have been concerns expressed that the traffic calming needs to be done in the context of the historical nature of the Plaza. He said narrowing of the street could potentially be an issue. The barricades will be placed at appropriate locations to do physical narrowing.

Mr. Nitzel said stop signs will be placed on Lincoln southbound and San Francisco eastbound. The crosswalks are already in place, but the physical widening will be done at a later date if finances are available and the project is approved. He said along the perimeter of the Plaza there will be ADA parking or parking for loading and unloading. Parking Division is working to define that parking which will not be metered. There is no ADA parking around the Plaza at this time. Mr. Nitzel said the ADA improvements are conceptual at this time, although necessary.

Mr. Nitzel said bollards are shown to close the Plaza. The Fire Department needs access in front of the Palace of the Governors. The bollards, if done, would raise and lower mechanically.

Roy Roth said there is much to be done in terms of further development of the design. There are many historical issues and much detail which needs to be worked out. He said it is good to do this in an incremental way to see what works, and what doesn't work. There are significant accessibility issues which don't necessarily need to be solved in the manner proposed by the current plan and which can be done in other ways. He hopes the proposal will be sent forward, but that the City will spend significant time in design development of the next phases.

Barr de Merino, a Plaza vendor, asked what provisions will be made for the vendors to unload and reload. She said bringing her work to the Plaza on dollies will take a lot of time and will be physically difficult. Ms. Merino is a sculptor and has heavy objects to bring to the Plaza. She asked if the vendors will be given 15-20 minutes to pull up to their space, unload and drive out, or if the Plaza will be totally closed.

David McQuarie, Committee on Concerns of the Handicapped, said he sent a letter last week about two items that the City needs to address. He said whether or not the project is

approved, the State has an ongoing project at the Museum. He asked if the Museum could finance part of the ADA access which is required under the portal since it is Museum property. He said there are ongoing ADA access issues. The most badly needed curb ramp is at the intersection of Palace and Cathedral underneath La Casa Sena portal. The crosswalk was not aligned with the curb cut as required.

Sam Garcia said he is representing Santa Fe Southwest Jewelers which has been a Plaza vendor for years and just received a five-year permit. This proposal would take away the vendors way to load and unload. He asked that the access to Police, Fire and Emergency vehicles be extended to the vendors to load and unload. He said the distance to cart his wares is a hardship to him, remarking that he is the youngest vendor. He said many vendors are senior citizens and he believes the City should let those people have access to the loading and unloading zones as long as they abide by the 20 minute limit.

Willie Saiz is a Plaza vendor. He said the proposal will shift the traffic where the accident happened to another place. He is concerned about loading and unloading his wares on the Plaza. He asked the Committee to consider a way to help the vendors.

Councilor Pfeffer said the proposal is a compromise for everyone, and a good direction in which to go.

Councilor Pfeffer said the drawing indicates that the 7 ft. widening on the inside of the Plaza area is not recommended, and asked why. Mr. Nitzel said the Plaza Task Force was not in favor of doing this because it was felt it would change the historical size of the Plaza. There were also concerns about how this would affect the booth arrangement for major events on the Plaza. Mr. Nitzel said he still would like to carry that option into evaluation in design, but there isn't much support for it at this time.

Councilor Pfeffer said given the concern about the curb cut at Cathedral on the portal side of Palace Avenue, would the proposed raised crosswalk address that concern. Mr. Nitzel said it would to a large part. Councilor Pfeffer asked if could be adapted to address that concern. Mr. Nitzel said it probably could be done, and would involve widening of the curb because the table can't be raised to the full height of the step because it would be too steep and punitive to vehicles. There is concern about what this might do to the historic portal on the north.

Councilor Pfeffer said there has been substantial concern expressed by the Plaza vendors with regard to loading and unloading. He said there is an additional concern about making several trips and the vendor having no one to watch their wares while they are unloading. He asked if it is possible to install bollards which have the dual purpose of providing access to emergency vehicles, as well as access for loading and unloading by vendors, within specific, limited, short periods of time through permit.

Mr. Nitzel said this issue was discussed at length. He said the Native American vendors were totally in favor of closing Palace Avenue, and supportive of eliminating all loading activities in that area. Some vendors commented at the last Task Force meeting that acceptable

solution would permit loading along Lincoln Avenue by the bank, and possibly along Old Santa Fe Trail. He pointed out that the bollards aren't being installed until the next phase of the project.

Councilor Chavez said the two stop signs at Old Santa Fe Trail/Palace are stacked, and asked if people will stop at one of both of those. Mr. Nitzel said staff is proposing this solution, although this is a good question.

Councilor Chavez said we are trying to provide well designed, easy to find, crosswalks. However, he has witnessed people crossing in the middle of the block on Palace between Old Santa Fe Trail and Cathedral. He asked if there wouldn't be a better way to direct the pedestrian traffic to the other side by crossing at Palace and then to Washington, and eliminate one of those stop signs, perhaps at Old Santa Fe Trail and Palace. Mr. Nitzel said this is an excellent suggestion. He said the bollards will do this in the long term, and people could cross on the left side of the bollards and totally avoid that intersection to get to the vendors. He said people wanting to go to the Cathedral can't do this.

Councilor Chavez agrees with Mr. Saiz somewhat, and hopes that we don't just shift the problem one block away. If this doesn't work, then we will make adjustments.

MOTION: It was moved by Councilor Bushee, seconded by Councilor Chavez, that the recommendations of the Task Force be approved.

DISCUSSION: Councilor Bushee thanked the Task Force for its work, commenting that she attended several of the meetings. She has similar concerns as Councilor Chavez with regard to the one corner. She doesn't believe people will stop at both. She asked Mr. Nitzel if he has looked at shifting the crossing on Washington "further up" out of the congestion. She said preventing the left turn onto Washington off Old Santa Fe Trail could create situations where people might do a U-turn. This corner seems like it will still be a problem area. Mr. Nitzel said this intersection is unique in the whole world, and has been discussed and the Task Force is not in favor of allowing left turns. He said the stop sign on the east approach has been very effective. Hopefully this will work, but will be tweaked if necessary.

Councilor Chavez asked for detail on the 6 ft. pedestrian refuge. Mr. Nitzel said this is a concept which will be further explored in the design process. It is an attempt to divide the road to make it more difficult to make illegal left turns and to provide a refuge area for pedestrians in the roadway. Mr. Nitzel said an application has been made for a CIP project of \$250,000 to do all the physical improvements. However, these need to be investigated in depth with a public process and input from the State Historic Preservation Office, and so forth.

Responding to Councilor Chavez, Mr. Nitzel said drivers along Old Santa Fe Trail can go north and make a right turn east on Palace. Drivers going west on Palace can turn right on Washington, and drivers going south on Washington can turn left only.

Chair Heldmeyer said she has heard a lot from the public on this intersection. She asked how drivers on Old Santa Fe Trail into town can “keep going”. She suggested giving thought to the configuration of the streets further down Palace as a way to facilitate that.

Chair Heldmeyer said the proposed 6 ft. refuge is the most scorned thing she has heard from people with Historic, because it isn’t a historic structure. She said it might could be done in a way that makes it look less like a chunk of concrete and more like something which is esthetically pleasing that might have been a historic structure.

Councilor Pfeffer asked if Councilor Bushee’s motion includes or excludes the loading zone issues for Plaza vendors. [Councilor Bushee’s response was inaudible.] Councilor Pfeffer asked if there could be an understanding that staff would look into limited permit and time access by Plaza vendors and bollards accommodate that. [Councilor Bushee’s response was inaudible.] Mr. Nitzel said this wasn’t a recommendation of the Task Force. Councilor Pfeffer understands, but there were many vendors requesting this access. He would like a further exploration. Councilor Bushee said we could explore putting the vendors on another side of the Plaza. She doesn’t want the bollards to continually “be going up and down and up and down.”

MOTION TO AMEND THE MAIN MOTION: Councilor Pfeffer moved, seconded by Councilor Coss for purposes of discussion that the issue of access by the vendors for loading and unloading on the Plaza be explored by staff.

DISCUSSION: Councilor Chavez said the vendors have indicated that the areas designated for loading and unloading are too far for them to carry their products. He asked Mr. Nitzel where loading and unloading would be allowed under these recommendations, and can the vendors be better accommodated. Mr. Nitzel said one area is by the bank. Councilor Chavez asked if there will be a curb cut there. Mr. Nitzel said the curb will remain as is. Loading could go on the west side of Lincoln along with the ADA parking. Another option would be on the east side of the Plaza on Old Santa Fe Trail. He said there may be some opportunity near the planters.

Councilor Chavez asked Mr. Sevastian Gurule if it is his duty and responsibility to assure that vendors are abiding by the time frame for loading and unloading. Mr. Gurule said it is. Councilor Chavez asked if the two corners suggested would work. Mr. Gurule said he has concerns for those vendors who are closer to the stage, who are elderly and have no one to help them to bring their wares from the edges of the loading zones.

Councilor Chavez asked if those vendors could be relocated closer to the loading zones. Mr. Gurule said staff is in the process of awarding licenses, and he asked the vendors if they want the same space in view of the possible changes. Most vendors want the same space because returning customers know their location. However, he has no problem in relocating the vendors. He stressed that he appreciates the Task Force recommendations, but he wants to be able to assist the vendors to have a safe way to get their products on the Plaza, and in bad weather to get to their wares loaded quickly without damaging their goods or imperiling their health.

Councilor Chavez said Mr. Gurule is concerned about vendors in the middle of the Plaza. He said there are limitations and it won't be perfect for everyone, with all respect to the vendors. He said relocation seems to be the best we can do at this point, otherwise we do ignore most of the Task Force recommendations. Mr. Gurule said the vendors understand that the Task Force is looking at the entire downtown area and not only the vendors.

Councilor Bushee asked the plan for the loading large heavy speakers and such for events that are held on the Plaza. This is a similar problem. She is trying to remain true to the actions of the Task Force and its charge by the Council. However, if there isn't a policy and if it is intended to lower the bollards for City events she wants to know that. She wants to know if Palace Avenue is going to be closed to vehicular traffic. What about Fiestas parades. How often do we want to make exceptions, or will this happen administratively. Mr. Nitzel said the Plaza Task Force wanted the section of Palace Avenue which was to be closed, to be accessible only to emergency vehicles. The Task Force decided that when surrounding streets are closed for events, then there would be full access – to the bandstand and for Plaza parades and such.

Chair Heldmeyer said the Task Force looked at events on the Plaza as a separate situation. Councilor Bushee asked if that is because there wouldn't be vendors on those days. Mr. Nitzel said this is correct. Councilor Bushee said if the regular policy is to lower and raise the bollards, then let the Plaza vendors load and unload however they want. Mr. Nitzel reiterated that the bollards won't be in place until funds become available. He said the Parks Department will be closing the Plaza with the planters which have rollers which can be moved for Plaza events.

Chair Heldmeyer said many times bands playing on the Plaza are loading and unloading along the side streets.

Councilor Bushee wants to make an accommodation to the vendors, but she doesn't want to undo the work of the Task Force. We haven't even tested the recommendations. Mr. Nitzel said there is room to designate a loading zone on the west side of the Plaza along Lincoln Avenue, as a possible practical solution.

Councilor Coss said the Task Force has done a lot of work and we don't want to unravel that. He heard Mr. Nitzel say there is much to be done before the bollards are installed. He likes Councilor Chavez's idea to work with the vendors to move the senior vendors and those vendors who have more heavy products. He agrees somewhat with Councilor Pfeffer. However, he can't vote for the motion although he seconded the motion. He hopes we can keep working on the recommendation and work with all of the interests.

Councilor Chavez said the Plaza Task Force has completed its assigned task and is bringing its recommendations to the Committee for approval, even though there are many design elements and features and financial questions which remain. He asked where the oversight comes now. Mr. Nitzel said funds are being requested from CIP for design. The next step probably would be to form a design team to look at the design and to do a detailed review on the components. Councilor Chavez asked about implementation and if that is staff responsibility. Mr. Nitzel said, if assigned to him, there would be a public design team with staff support, following the same model as the Task Force. Staff probably would be the contact to tweak the recommendations prior to design and construction.

Chair Heldmeyer said there will be no mechanical bollards right now, remarking that she has seen these in Europe. She asked if, at this point, there will be an opportunity for the vendors to move the planters. Mr. Nitzel said that wouldn't be advisable and wouldn't be encouraged, but staff will work with the vendors to develop an approach.

VOTE ON THE AMENDMENT: Those voting aye: Councilor Pfeffer

 Those voting nay: Councilor Bushee
 Councilor Chavez
 Councilor Coss

The motion was defeated by a majority of all those voting in the negative.

DISCUSSION ON THE MAIN MOTION: Chair Heldmeyer asked why crosswalks are being placed at places other than the curb cuts. Mr. Nitzel said if staff misaligned some of the crosswalks and missed an existing curb cut, that can be tweaked. Chair Heldmeyer asked that this be done. Mr. Nitzel said there are locations where there are crosswalks and there is no ADA accessible curb cut, and he is willing to construct temporary accesses. Chair Heldmeyer asked how much that would cost. Mr. Nitzel said it would be simple in some locations, others such as at the southeast corner of Palace and Washington at the portals will be complicated and difficult, as well as the one at Cathedral and Palace. Chair Heldmeyer wants an estimate of the costs at the time this issue is brought to Council on Wednesday.

Councilor Coss would like Mr. Lujan to follow up with the Palace of the Governors to bring those into ADA compliance.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

THERE WAS A SHORT BREAK AT THIS TIME

MOTION: It was moved by Councilor Coss, seconded by Councilor Chavez, that Item #20 be

sent forward to the Finance Committee without recommendation.

DISCUSSION: Councilor Chavez asked Mr. Lopez if he is comfortable with that recommendation. Mr. Lopez said he would very much like the request to go forward with a positive recommendation.

WITHDRAWAL OF THE MOTION: Councilor Coss withdrew his motion.

15. REQUEST APPROVAL OF A RESOLUTION TO PROVIDE LODGERS TAX FUNDING TO THE SANTA FE TRAILS FIXED ROUTE TRANSIT SYSTEM IN PROPORTION TO THE PERCENTAGE RIDERSHIP OF THE SYSTEM ESTIMATED TO BE VISITORS TO OUR CITY AND DIRECTING THAT SANTA FE TRAILS DEVELOP AND IMPLEMENT A PASSENGER AMENITY PROGRAM THAT ASSURES COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. (COUNCILOR COSS)

Memorandum dated April 22, 2003, with attachment, to the Public Works Committee, from the Transit Advisory Board, is incorporated herewith to these minutes as Exhibit “6.”

Proposed Amended Resolution, submitted by Councilor Coss is incorporated herewith to these minutes as Exhibit “6(A).”

Councilor Coss distributed his proposed amendments which were done for presentation to the OTAB Board last week, but which weren’t done in time to get into the packets [Exhibit “6(A)”].

Councilor Coss said the proposed Resolution was approved unanimously by the Transit Advisory Board. The Resolution was to be heard by the Mayor’s Committee on Concerns of Persons with Disabilities, but there wasn’t a quorum. However, Mr. McQuarie indicated the Resolution might not have been approved by that Committee. Councilor Coss said that gave him pause, and he drafted changes to clarify what he is hoping to do.

Councilor Coss said it is true that the best estimate is that 12% of the ridership are visitors to the City, and the transit share of the funds would be \$259,423 which he believes is a fair share from Lodger’s Tax to Transit. His intent was to put funds into passenger amenities and to begin a plan to come under compliance with ADA in Santa Fe Trails. He believes if we focus on ADA compliance, that Santa Fe Trails will be a better system for all its riders. He believes it is fair to look to Lodger’s Tax as a source of funding because it isn’t paying in proportion to the visitors use of the system.

Councilor Coss said OTAB is concerned with the fall off in visitors this Spring, and was unaware that the Council was looking to use \$100,000 of Lodger’s Tax for the Lensic. After the meeting he met with the Mayor.

Councilor Coss said he is proposing to reduce the transfer of funds from Lodger's Tax to Transit from \$259,423 to \$115,000, with \$45,000 to be used for signs and \$75,000 for shelters. He wants to focus on ADA compliance and passenger amenities.

Councilor Coss proposed the following amendments to the proposed Resolution:

On page 1, amend the title of the Resolution as follows: ".....VISITORS TO OUR CITY AND DIRECTING THAT SANTA FE TRAILS DEVELOP AND IMPLEMENT A PASSENGER AMENITY PROGRAM THAT ASSURES COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT."

On page 1, add two WHEREAS as follows:

"WHEREAS, Santa Fe Trails benefits the tourism industry and its employees by increasing access to the Central Business District and the Cerrillos Road Corridor, and

WHEREAS, Santa Fe Trails reduces congestion, parking demands and encourages walkability."

On page 2, amend as follows:

"NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the City shall transfer ~~\$259,423~~ \$115,000 into the Santa Fe Trails fixed route transit system operating budget from lodgers tax funds this in fiscal year 03-04. The City of Santa Fe shall ensure that the percentage of operating revenues for transit from the lodger's tax is at least 12% in all future budget years. The Santa Fe Trails transit program is directed to use additional funds made available through this resolution to improve passenger amenities on fixed route systems and to provide for compliance with the Americans With Disabilities Act.

The Santa Fe Trails Transit System is further directed to present, by August 1, 2003, a detailed survey of passenger facilities' compliance with the Americans With Disabilities Act and a plan for achieving compliance with the Act. This survey and plan will be presented to the Mayor's Committee on Concerns of Persons with Disabilities for concurrence and recommendation to the governing body.

BE IT FURTHER RESOLVED, these funds shall be in addition to, not replacement of, current or future funding for transit from other sources.

MOTION: It was moved by Councilor Coss, seconded by Councilor Chavez, that the proposed Resolution be approved with the amendments as presented.

DISCUSSION: Councilor Chavez asked if the reduction in funds needs to go back to OTAB for approval. Councilor Coss doesn't believe so.

Ms. Darlene Griego said, by statute, any request for Lodgers Tax funds should go through OTAB for approval. OTAB did not support the Resolution as written, and the Committee may want to refer this Resolution back to OTAB. Councilor Coss said OTAB supported the concept of the resolution, but suggested getting funds from another source.

Councilor Coss asked if the \$100,000 proposed to go from Lodgers Tax to the Lensic is from the same funding source, and asked if this should have gone first to OTAB. Ms. Griego said that request should have gone first to OTAB. However, there is no enforcement clause in the statute. Councilor Chavez said if this Resolution is passed by the Council, then in effect the Council is not accepting the OTAB recommendation, which is what we would be doing here in amending this resolution.

Responding to Councilor Pfeffer, Ms. Griego said the subject funds would come out of her budget for CVB.

Ms. Raveling said there are two pots of money – one Sweeney Center and one CVB. She said those budgets would be examined to see where cuts can be made to get the \$115,000. Councilor Pfeffer said this is for promotion and advertising for Sweeney. Chair Heldmeyer said the. Lensic funds are coming from CVB. Councilor Pfeffer asked what would remain in CVB. Ms. Raveling said there would be about \$2 million to cover personnel, advertising contract, postage and general operations.

Councilor Pfeffer asked about the ¼% which was supposed to go to Transit, and why can't we go back to that and say, "This is what the voters voted for. Let's support the bus system with the money the voters voted for. Are we legal? Now?"

Ms. Raveling said the ¼% was initially enacted because the State took a portion of the City's GRT which went to the general fund and the reason the City was granted that taxing authority by the State. The production from that ¼% would have been a lot more than what was needed to reimburse the General Fund. The Council decided at that time to start a transit system, and it was never envisioned that Transit would get the entire ¼%. The Council decided to fund transit, and the excess funds were used to start quality of life funding. She said the ordinance and the question submitted to the voters included funding for the General Fund, Transit and Quality of Life, admitting that the wording of the question could have been clearer. The wording was that money left from funding transit would be split 1/3 to General Fund and 1/3 to Quality of Life.

Ms. Raveling said she has kept the level of funding from the ¼% at \$1.5 million to the General Fund which leaves \$700,000 to Quality of Life. As the GRT increases, the increase above that amount has gone to transit. She argues that this split is entirely legal.

Chair Heldmeyer said Ms. Raveling is correct about the wording of the ballot and the ordinance. However, some of the campaign materials were less precise, and what people thought they were

voting for.

Councilor Chavez asked if the Quality of Life category is “carrying its own weight.” He thought funds from the General Fund were being used for the quality of life programs. Ms. Raveling said it is a stand-alone fund and not being subsidized by the General Fund. She said once the funding is allocated for the summer programs, the balance is used to fund four other categories in quality of life. The funds are essentially split between community services and parks & recreation, with the Departments prioritizing how these funds are spent.

Councilor Coss believes we are legal in the expenditure of these funds. He said the increases going to transit are used for personnel – union contracts and health insurance costs. However, we aren’t seeing funds going for passengers, and amenities for the riders. He pointed out that the fares have been doubled, and we still haven’t been able to put money into the bus stops and services for passengers. He believes this is a fair place for this funding. Ms. Raveling said because of the increase in the fares, and the grant was higher than anticipated, this year about \$150,000 was put into shelters and those kinds of amenities which is the first year this could be done. Councilor Coss would like to work with Ms. Raveling, the City Manager and Mr. Williams as to how the funds will be used.

Councilor Pfeffer said he will vote for the amended resolution. He has been telling people in the tourist industry that it should support the transit system which is a good one and an asset to the City. We need to get behind the tourism industry as well, remarking that we have been taking renovation funds and much needed capital from Sweeney Center. We are “biting the hand that feeds us,” and we can’t do this forever. He said 12% of the riders are visitors who are supporting our bus system.

Ms. Raveling asked if the Committee is supporting a 12% contribution on an annual basis, or contributing \$115,000 on an annual basis to transit. She said the 12% could change up or down. Councilor Coss believes that this is clarified in the last amendment that provides, “BE IT FURTHER RESOLVED, that these funds are in addition to.”“

FRIENDLY AMENDMENT: Councilor Coss said Ms. Raveling has brought up a good point, and proposed an amendment to the BE IT RESOLVED paragraph on page 2, as follows : ~~The City of Santa Fe shall ensure that the percentage of operating revenues for transit from the lodger’s tax is at least 12% in all future budget years.~~ **The amendment was friendly to the second.**

Ms. Raveling asked if the \$115,00 is a one-time appropriation. Chair Heldmeyer clarified that there will be an annual appropriation, but the amount and the percentage will vary depending on the financial needs. Councilor Coss said he wants an ongoing appropriation, but he isn’t setting it at 12%. Chair Heldmeyer said the amount will be negotiated every year. Ms. Raveling said it is difficult to prepare a budget without knowing the exact amount each year, because the split impacts other things. Councilor Coss said right now the amount would be \$115,000.

Chair Heldmeyer said there is a logical nexus. The City is allowed to use lodger's tax for tourist related expenses, noting there is one bus route that is primarily tourist and tourists are using the other buses which will increase as people gravitate more and more to the Cerrillos Road hotels. She can make a better case for this than the funding for the Lensic, and the reasoning that the Lensic funding has something to do with tourism is a lot more tortuous than the reasoning here.

Councilor Coss thanked the members of OTAB.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

CLARIFICATION BY STENOGRAPHER: Ms. Helberg asked if the motion includes \$115,000 for FY 03-04, and after that time the amount will be negotiated. Chair Heldmeyer said this is correct.

17. REQUEST APPROVAL OF A RESOLUTION DIRECTING THE CITY MANAGER TO PURSUE EMINENT DOMAIN ACTIONS NECESSARY TO ACQUIRE THE PROPERTY KNOWN AS EL SEVILLE APARTMENTS TO PRESERVE THESE DWELLINGS AS AFFORDABLE HOUSING FOR SANTA FEANS IN THE DOWNTOWN AREA. (COUNCILOR COSS) (ALEXANDRA LADD)

Proposed Resolution Directing the City Manager to Pursue Eminent Domain Actions Necessary To Acquire the Property Known as El Seville Apartments to Preserve These Dwellings as Affordable Housing for Santa Feans in the Downtown Area, is incorporated herewith to these minutes as Exhibit "7."

Proposed Amendments to the Resolution introduced by Councilor Coss, is incorporated herewith to these minutes as Exhibit "7(A)."

Councilor Coss said he has had an opportunity to work on this Resolution, and is changing the Resolution to change it from a Resolution to pursue eminent domain action to acquire El Seville, to investigate and see how to pursue it. The reason the Resolution is being introduced is that he disagrees with what is happening which is contrary to what the City is trying to achieve in providing affordable priced units. He said what is happening is that we are looking at time share condos in downtown Santa Fe and telling the current residents to look somewhere else. He said the City has the option to protect the health, safety and welfare of our citizens through its power of eminent domain.

Councilor Coss said the next agenda item highlights the kind of crisis the City is experiencing in affordability and living space for Santa Feans – the gap between the needs and the availability. He said most Santa Feans won't be able to afford the proposed timeshare condos and believes this is moving in the wrong direction and eliminating affordability in

downtown. We need to look at the real price tag to the City. The City would have to spend money to fix up the property. He doesn't understand how a property can be allowed to run down and when no longer viable then sell that property, and wonders if that is a cost the public has to bear in terms of losing affordable housing. He wants the City Manager to investigate. He believes it is in the public interest to keep affordable units and keep them in the downtown. He believes timeshare condos are like a long term motel, and there would be a different discussion if someone was proposing to build another motel in downtown Santa Fe.

Councilor Coss read a letter he received from a resident of El Seville into the record as follows:

"El Seville is not some of the affordable housing in the BCD, it is probably the only such housing that will ever exist in the BCD. The 76 apartments are to be replaced by 14 condos, those are the affordable ones. As the present owner said, any land owner would build only commercial in the BCD. Some persons critical of saving El Seville have said it is old and falling down. I have been looking for a place to live accessible by foot to downtown for four months. I have a list of 160 dwellings I have considered. I have seen fewer than 10 that come up to the quality of El Seville, and the cost for a unit of comparable size would be 90% higher."

He believes it well worth the City's time to investigate how to preserve the housing for the people of Santa Fe and will learn lessons from that which will be applicable to how we can have affordable housing downtown, in the BCD and the City, in general.

He is proposing an amendment to the resolution, as follows:

"NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the City Manager is directed to develop a program to finance acquisition, acquire and manage the property known as El Seville Apartments to assure that these residences are maintained as affordable units within the City's Affordable Housing Program. to investigate the feasibility of acquiring and managing the property known as El Seville Apartments for the purpose of maintaining affordable rental housing units. The process should include without limitation, determination of the steps and costs for initiating a legally-defensible condemnation procedure; the completion of a financial proforma to determine one-time and long-term acquisition, rehabilitation, and operating costs; the development of a management structure and/or entity that will be responsible for ensuring the units are affordable to a range of incomes, that the project meets eligibility requirements to receive long-term affordable housing subsidy, and that the project provides the greatest possible public benefit to the community."

MOTION: It was moved by Councilor Coss, seconded by Councilor Chavez for purposes of discussion, that the Resolution, as amended, be approved.

DISCUSSION: Councilor Chavez asked how many of the current residents would be able to qualify through the City's Housing Opportunity Program. Ms. Ladd said the breakdown is that

70% of the units have to be affordable to someone making 80% or less of the median income. Councilor Chavez asked if we would have to have mixed income. Ms. Ladd asked if Councilor Chavez is asked about what happens if the City assumed management for El Seville. Councilor Chavez said that he is.

Ms. Ladd said the only viable way to make the project affordable would not be as a Type A, but as a cohesive, affordable project, for multi-family. She said one of the interesting things about the project is how to structure the project to get all of the available subsidy from different sources and keep it affordable in perpetuity. She said the HOP program and Type A would apply if the unit were being redeveloped for home ownership and in that situation 16% of the units would be required to be affordable. She understands the developer has volunteered to do a higher percentage of affordable units than required. Ms. Ladd said the average rent at El Seville is \$700 per month, so most people are making around 80% to 100% of the median income, noting that this is a fairly high rent. Ms. Ladd said if the City assumes management, the units would need to serve a wider range of incomes.

Councilor Chavez asked if it is the sponsor's intention to keep the units as rental units rather than encouraging home ownership. Councilor Coss said his intention is to keep it as rental. He said these kinds of questions can be answered through the City Manager's investigation. Councilor Chavez asked Councilor Coss if he intends to pursue eminent domain, and if the title of the Resolution will change. Councilor Coss said he is requesting the City Manager to investigate rather than to pursue eminent domain.

Councilor Pfeffer asked how many affordable units the developer is willing to provide. Ms. Ladd said Linda Hall has worked with the developer, and she can get that answer. Councilor Pfeffer recalled that the developer was going to provide 14 affordable units which would be for sale.

Councilor Pfeffer said he has a problem with the proposal because the very action of directing City staff to investigate eminent domain will throw some serious "wrenches" into the owner's and developer's plans. This jeopardizes the potential for the 14 affordable units for sale at an affordable level in the downtown area, in trade for the City, maybe, to be able to afford to purchase the property and to get enough income to maintain it as a decent place to live which is questionable. He believes it might be wiser to acknowledge that, although some of us don't like the idea of timeshare units downtown, all of us like the idea of 14 for sale affordable units downtown and that, is in fact the tradeoff.

Councilor Pfeffer has a problem with the FIR which indicates recurring costs will be \$181,000, financing and management at \$36,500 for 76 apartment units which he doesn't believe is at all realistic. He said he has a problem with the non-recurring cost of \$3.2 million, with only \$313,000 for deferred maintenance. He said the complex needs a new heating system, noting there are some real problems with the property – aluminum sliding glass windows which are not thermal pane and aren't energy efficient, for example. He said if the complex was condemned by the City, the FIR indicates some of the rents would be reduced to meet the affordable criteria

range of incomes. He believes the City is looking at owning, renovating, and subsidizing housing downtown that doesn't meet the legal definition of affordable housing because it isn't for ownership, but for rent. He believes it is completely unrealistic in terms of the actual financial impact on the City and its ability to maintain the property.

Councilor Pfeffer said at no cost to the City or to the populations, the developer has promised 14 affordable units for sale – we go from zero affordable units to 14 affordable units without expending any taxpayer money. He has real doubts, although it is difficult not to empathize with what the sponsor is trying to do.

FRIENDLY AMENDMENT: Chair Heldmeyer suggested adding language on line 5 of the proposed amendment as follows: "...the process should include without limitation consultation with members of the affordable housing community,..." **The amendment was friendly to the maker and the second.**

Chair Heldmeyer believes the first step is to talk to members of the affordable housing community who can tell the City about costs and benefits, and from that discussion see if further steps need to be taken.

FRIENDLY AMENDMENT: Councilor Coss would like to amend the title of the Resolution as follows: "...DIRECTING THE CITY MANAGER TO PURSUE INVESTIGATE EMINENT DOMAIN..." **The amendment was friendly to the second.**

VOTE: Those voting aye: Chair Heldmeyer
 Councilor Chavez
 Councilor Coss

 Those voting nay: Councilor Pfeffer

The motion was passed by a majority of all those voting in the affirmative.

18. **REQUEST APPROVAL OF THE CONSOLIDATED PLAN PREPARED BY THE COMMUNITY SERVICES DEPARTMENT TO HUD. (DAWN TORRES, ALEXANDRA LADD)**

Memorandum dated April 21, 2003, for the April 28, 2003 meeting, with attachments, including the Draft Consolidated Plan, from Alexandra Ladd, FHIP/HOME Planner and Dawn Torres, Senior Housing Planner, is incorporated herewith to these minutes as Exhibit "8."

Ms. Ladd said the plan has five parts: the Executive Summary, Managing the Process, Citizen Participation Plan, Strategic Plan, Summary of Action Plan, and the Action Plan.

Ms. Ladd said staff sought public comment for the plan by consulting with the stakeholders – members of the Roundtable, the Economic Development Alliance, the Housing Authorities, the MFA. A public survey was also done of all of the households which receive a sewer bill – 19,000 households. The survey was distributed through the stakeholders to their clients, at the public library to people who checked out books, in an electronic format, emailed to City and County employees, and a hard copy of the plan has been made available for review at the Senior Center, the main library, Genoveva Chavez Center and in the Community Services office.

Chair Heldmeyer pointed out that much of the Council is not on the employee list, and asked that in the future the Councilors be sent the information.

Ms. Ladd said the citizen comment will continue through the final hearing on the plan which is May 14th at the City Council meeting, so staff is still compiling the survey results and waiting for any additional comments from the public hearings. She said over 90% of the responses to date believe affordable housing is definitely a problem in Santa Fe, and that the City should take a pro-active role in supporting affordable housing activities.

Ms. Ladd said the Strategic Plan provides background on ongoing programs, describes barriers to achieving our goals, outlines objectives and proposes accomplishments for the 5-year duration of the plan. All of the strategies are based on existing plans and policies – the General Plan, the Community Economic Development Plan, the current Consolidated Plan. The strategies reflect outcomes identified during the Affordable Housing Summit.

Ms. Ladd said some of the proposed accomplishments in the Plan will require increased City funding, in particular a fair lending education and outreach project. The objectives in the Plan reflect the City's approach to partner with community agencies to provide services.

Ms. Ladd said the Action Plan identifies all sources of available funding and provides projections for future funding amounts in Santa Fe. HUD looks at the Action Plan more closely than any other parts of the Plan. The Action is redone and updated each year. Ms. Ladd said approval of the Plan does not endorse any of the funding amounts proposed except for CDBG funding which is approved by the Council.

Councilor Heldmeyer asked if there were members of the public wishing to comment on the Plan, and no one came forward to speak on the issue.

Councilor Coss complimented staff on the Plan, and said he learned a lot in reading through the Plan. He said we need to redouble our efforts and not let opportunities pass us by. We need to move forward as hard as we can on the Northwest quadrant. He believes we need to look at additional funding for affordable housing, commenting that Mr. Lofton has spoken with him about the idea of an affordable housing trust fund. He would like to see something like this in the Plan. He said the only way we are going to get affordable housing in Santa Fe is to mandate it or subsidize it.

Councilor Coss would like the school system added as a partner in economic development. He would like the Plan to reflect that as an anti-poverty measure, the Council passed a living wage ordinance. He said we might want to consider adding the unions as a suggested tactic on anti-poverty.

Councilor Chavez said this is a comprehensive document and a lot to digest and track. He has had calls from people trying to pre-qualify for affordable units who are not receiving the information in advance or getting the information in bits and pieces, or getting the information after the fact. He said staff needs to be sure that the providers have some sort of check list in working with these people so that this information gets to them in a timely fashion, and that we are assisting those individuals to the maximum extent possible.

Ms. Ladd said it is important to ensure that the programs work procedurally, but believes those should be examined independently from the policy issues. Chair Heldmeyer sees this as the biggest problem with Community Services right now – the lack of adequate analysis as to whether these programs are really doing what they say they are going to be doing. When the City spends its money and wants specific results, there has to be a real effort to ensure that the money is going where the Council expects and hopes it should go. When we are talking about increasing funding for affordable housing, for economic development, it is being increased because the Council has expectations about results. She hopes the new Director of Community Services will make that their first priority.

Ms. Ladd agrees, pointing out that the program is not funded by public money, but it is a mechanism designed to bring a contribution from the private sector. Chair Heldmeyer said she isn't speaking of any individual program, but rather an overall program.

Chair Heldmeyer asked about the break-down of the CDBG funds. Mr. Frank Romero said the priority is the determining factor of where the funding is granted, and housing, which is the #1 priority of the consolidated plan, gets approximately 60% of the grant fund. The funds are split between three components – housing, economic development and public facilities. Chair Heldmeyer said then this is the City's decision rather than a split imposed by the Feds. Mr. Romero said that is correct.

Chair Heldmeyer asked what percentage goes to public facilities. Mr. Romero said between 10-15%, depending on the number of applications.

Chair Heldmeyer said she has been approached, and other Councilors have been approached, by Women's Health Services about getting CDBG funding to expand their operation. She asked if that is in the current annual budget, and if it is something that is being considered. Mr. Romero said Women's Health Services was considered, but the proposal was weak in its capacity to administer the CDBG block grant. Staff will be working on providing them technical assistance this year so they will be ready next year to have a complete application which can be funded.

Chair Heldmeyer said Women's Health Services says it has to get funding for this place right now, or it will be leased to someone else. Mr. Romero said their application was for \$240,000 which was proposed to be used to pay for rent and renovation of the space. There was no indication in the application that they had any other form of funding to leverage the CDBG money to accomplish their goals.

Councilor Chavez said CDBG is often expected to do a lot and there are more requests than available funding. Mr. Romero said this year there were \$2.4 million in requests and \$700,000 available for funding. Councilor Chavez said 60% of the funds go to housing which leaves little for everything else. He asked if requests which aren't funded stay in automatically year after year until they are funded. Mr. Romero said each year there is a list of eligible projects and proposals are mailed to the applicants which weren't funded in the previous year and to organizations requesting funding for the new year. Projects not funded are kept on the mailing list for reconsideration the following year.

Councilor Chavez said he submitted a project for CDBG funding for trail improvements on the Acequia Madre, and asked if that will continue to be funded since it is part of the City's open space/trails master plan. Or, does it need to be resubmitted each year. Mr. Romero said he would invite the Planning Department to reapply for funding again next year.

MOTION: It was moved by Councilor Coss, seconded by Councilor Chavez, that the request be approved.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

**20. REQUEST APPROVAL OF RFP #03/14/P FOR THE PURCHASE OF A
REVENUE CONTROL SYSTEM FOR PARKING OPERATIONS
REQUEST TRANSFER OF \$480,162.00 FROM PARKING ENTERPRISE
FUND CASH RESERVE TO LINE ITEM 52155.570800.
(VINCE LOPEZ)**

Memorandum dated April 22, 2003, with attachments, to the Public Works Committee, from W.P. Hon, Transportation Operations Manager, is incorporated herewith to these minutes as Exhibit "9."

Mr. Lopez said the requested equipment is badly needed, commenting that the existing equipment was purchased in the early 1980's. The new equipment will assist the Division to be more accountable, and will assist the parking attendants tremendously.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Coss, that the request be approved.

DISCUSSION: Councilor Coss is glad to see this improvement.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

**20. REQUEST APPROVAL OF HISTORIC COMPOUND ORDINANCE.
(COUNCILOR HELDMEYER, COUNCILOR WURZBURGER) (JAMES HEWAT)**

Memorandum dated April 7, 2003, for the April 14, 2003, Public Works Meeting, with attachments, to the Public Works Committee, from James Hewat, Supervising Historic Preservation Planner, is incorporated herewith to these minutes as Exhibit "10."

Chair Heldmeyer said when the Plaza Chamisal appeal was heard by the Council, there was a lot of discussion, confusion, upset over what is to be done with historic compounds and the relationship between the buildings and the open space within a compound as opposed to looking at each building individually. She is co-sponsoring the ordinance with Councilor Wurzburger. The H-Board has met with members of the community to develop something which would be workable for that Board while providing the needed protection for historic compounds.

Councilor Chavez asked if there is an inventory of historic compounds. Mr. Hewat said there is not an inventory of compounds, per se, but there is an inventory of buildings. Councilor Chavez asked about an additional category to identify the compounds and keep them separate.

Chair Heldmeyer said other lists have been prepared by historians in this regard. Steve Flance, a member of the H-Board would like, if this ordinance passes, to see the City do a survey of compounds. She asked Mr. Hewat about the availability of funds to do this. Mr. Hewat said there isn't a significant budget to surveys. Federal funds are received through the State of about \$10,000 to \$20,000 annually, which gives the ability to survey 100-150 buildings per year.

Mr. Hewat said it is estimated that there are at least 200 compounds in the five historic districts in the City, and there could be more. There are many which aren't recognized as compounds which are on the west side. Councilor Chavez asked if this ordinance would apply to compounds west of St. Francis Drive. Mr. Hewat said it could because it recognizes landmarks. Chair Heldmeyer said there are landmark buildings west of St. Francis – the Prairie House at the corner of Hickox and St. Francis is the most recently landmarked building. There are five historic districts including the Historic Guadalupe District. The compounds are not limited to the Historic East Side District. Mr. Hewat said there are lots of compounds between St. Francis and Guadalupe that we know nothing about.

Mr. Hewat said the closest thing to an inventory was the study done by Michael Belshaw in 1985, because of the City's concern about compounds. He said the proposed ordinance provides a process and procedure by which it can deal with compounds and not just the buildings in a compound. Chair Heldmeyer said this ordinance defines which compounds will be treated as compounds and which ones would be treated as groups of individual buildings.

Chair Heldmeyer said an increase in fees was passed by the Council for applying to the

H-Board, and the Historic Preservation Division is supposed to be getting 25% of those fees and is not. She has submitted a pink slip asking why not. If those funds were available, those funds could be used for this kind of surveying, and for updating the overall historic survey. Funds are also obtained through for COG for this purpose. Mr. Hewat said it is from CLG and is about \$10,000 to \$20,000 annually. Chair Heldmeyer would like the inventory/survey done once the ordinance is passed.

MOTION: It was moved by Councilor Coss, seconded by Councilor Chavez, that the request be approved.

DISCUSSION: Councilor Chavez would like to be listed as a co-sponsor.

Councilor Coss noted the biggest change is on page 5 of the ordinance which provides that the "application shall be denied." He believes this is a very important change. Chair Heldmeyer said the H-Board put a lot of work into this ordinance to get something which would be workable for them.

23. MATTERS FROM THE COMMITTEE

24.

25. There were no matters from the Committee.

26.

27.

28. **NEXT MEETING: MAY 12, 2003**

23. ADJOURN

There being no further business to come before the Committee, and the agenda having been completed, Councilor Coss moved to adjourn. The motion was seconded by Councilor Chavez, was approved unanimously and the meeting was adjourned at 9:05 p.m.

Karen Heldmeyer, Chair

Melessia Helberg, Stenographer